

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1628**

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LAURENT KONGADEMBOU,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A95-216-252)

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Submitted: January 26, 2005

Decided: February 10, 2005

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Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Mary Jane Candaux, Senior Litigation Counsel, Anh-Thu P. Mai, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Laurent Kongadembou, a native and citizen of the Central African Republic, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's order denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

We lack jurisdiction to review the Board's findings that Kongadembou's asylum application was untimely. See 8 U.S.C. § 1158(a)(3) (2000); Zaidi v. Ashcroft, 377 F.3d 678, 680-81 (7th Cir. 2004) (collecting cases). Given this jurisdictional bar, we cannot review the underlying merits of Kongadembou's asylum claim.

While we lack jurisdiction to consider the denial of Kongadembou's asylum claim, we retain jurisdiction to consider the denial of his request for withholding of removal.\* See 8 C.F.R. § 1208.4(a) (2004). "To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). A trier of fact who rejects an applicant's testimony on credibility grounds must offer specific, cogent reasons for doing so. Figeroa v. INS, 886 F.2d 76, 78 (4th Cir.

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\*Kongadembou does not challenge the denial of withholding under the Convention Against Torture.

1989). This Court accords broad, though not unlimited, deference to credibility findings supported by substantial evidence. Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). We find the Board's conclusion that Kongadembou was not credible to be supported by the evidence. Accordingly, Kongadembou's challenge to the denial of his application for withholding from removal must fail.

Accordingly, we deny Kongadembou's petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED